

TOXIC SUBSTANCES CONTROL ACT

HEARINGS
BEFORE THE
SUBCOMMITTEE ON THE ENVIRONMENT
OF THE
COMMITTEE ON COMMERCE
UNITED STATES SENATE
NINETY-FOURTH CONGRESS
FIRST SESSION
ON
S. 776

**TO REGULATE COMMERCE AND PROTECT HUMAN HEALTH
AND THE ENVIRONMENT BY REQUIRING TESTING AND
NECESSARY USE RESTRICTIONS ON CERTAIN CHEMICAL
SUBSTANCES, AND FOR OTHER PURPOSES**

MARCH 3, 5, 10, AND APRIL 15, 1975

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Senator TUNNEY. Our first witness is Dr. John Buckley of the Environmental Protection Agency, accompanied by Mr. Glenn Schweitzer, who directs the Office of Toxic Substances.

STATEMENT OF DR. JOHN L. BUCKLEY, CONSULTANT, OFFICE OF RESEARCH AND DEVELOPMENT, ENVIRONMENTAL PROTECTION AGENCY; ACCOMPANIED BY GLENN SCHWEITZER, DIRECTOR, OFFICE OF TOXIC SUBSTANCES

Dr. BUCKLEY. Mr. Chairman, with your permission I will read the statement that has been presented to you.

Senator TUNNEY. Yes, Doctor; fine.

Dr. BUCKLEY. Mr. Chairman and members of the subcommittee, I am John Buckley, consultant to and former Acting Deputy Assistant Administrator for Program Integration of the Environmental Protection Agency's Office of Research and Development. I am accompanied by Mr. Glenn Schweitzer, Director of EPA's Office of Toxic Substances.

I appreciate the opportunity to discuss for the subcommittee the concern of the Environmental Protection Agency over the recent developments which suggest that environmental contamination by polychlorinated biphenyls (PCBs) is more widespread, and that some concentrations are higher than previously believed. For a number of years I have been directly involved in a broad range of governmental efforts to reduce environmental levels of PCBs.

In 1972 I thought that things were well in hand. The sole U.S. producer had already voluntarily restricted sales except for uses in closed electrical systems. The various agencies of the Federal Government each took actions within their regulatory authority. EPA's part of those efforts was support of the policy permitting use only in closed electrical systems and promulgation of a policy designed to restrict PCBs to very low levels in the aquatic environment. However, while we may have slowed the rate of growth of the problem, I am convinced now that in the absence of legislation authorizing additional governmental action the PCB problem will not be adequately resolved.

I am submitting for the record a copy of our response to the subcommittee's request of October 1, 1975, for information on PCBs. This information is based on industry responses received to date to recent EPA requests for data pursuant to section 114 of the Clean Air Act and section 308 of the Federal Water Pollution Control Act.

[The letter follows:]

U.S. ENVIRONMENTAL PROTECTION AGENCY,

OFFICE OF ENFORCEMENT,

Washington, D.C., October 20, 1975.

Hon. JOHN V. TUNNEY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR TUNNEY: Mr. Train has asked me to respond to your letter of October 1, 1975, in which you requested a summary of information concerning Polychlorinated Biphenyls (PCBs) contained in responses to letters which the Environmental Protection Agency (EPA) recently sent to a number of companies. In your letter you also asked a number of questions about the distribution and uses of PCBs, and you requested any other information possessed by EPA which might be relevant to the proposed Toxic Substances Control Act.

Enclosed is a copy of a statement delivered by the Director of EPA's Office of Toxic Substances on August 29, 1975. This statement outlines the major ongoing EPA activities directed to PCBs. In addition to these activities, EPA, in cooperation with several other federal agencies, will host a National Conference on PCBs in Chicago on November 19-21. A copy of the press release announcing that conference is enclosed.

On August 16, 1975, EPA sent letters and questionnaires to 84 addressees. Those letters were sent pursuant to section 308 of the Federal Water Pollution Control Act (FWPCA), as amended, and section 114 of the Clean Air Act (CAA). Names of the addressees were obtained from three sources: a customer list provided to EPA by the Monsanto Corporation, the sole domestic producer of PCBs; a list of importers of PCBs, provided to EPA by the U.S. Bureau of Customs; and industry trade lists containing names of manufacturers of capacitors or transformers. Subsequent to August 16, additional letters have been sent to other companies which may be using PCBs. The names of such companies were obtained both from trade lists and from responses to the August 16 letters.

EPA personnel are now processing the information received from the various respondents. At present work has not been completed upon a summary quantification of that data. In responding to your specific questions, however, we have reviewed the responses so that our answers are based upon the information provided to date by the various companies.

Following are answers to your specific questions, numbered to correspond with those questions as they appeared in your letter:

(1) The Monsanto Industrial Chemicals Company is the sole domestic manufacturer of PCBs. Monsanto produces PCBs at its William Krummrich Plant, Sauget, Illinois. EPA does not possess information concerning the importation of PCBs as a part of products.

(2) As indicated above, the U.S. Bureau of Customs has provided EPA with a list of companies which import PCBs in their chemical state, and EPA sent letters to those companies requesting information concerning their uses of PCBs. This list of companies was compiled from information contained in invoices accompanying imported products, and the Bureau of Customs considers this to be confidential or privileged commercial information.

(3) (a) Enclosed is a summary provided to EPA by the Monsanto Company of Monsanto's manufacture and sales of PCBs for the period 1957-1975 (first quarter).

(b) According to the Bureau of Customs information, for the 44-month period from January 1, 1972 to August 30, 1975, the following amounts of PCBs were exported in their chemical state to the United States:

Exporter:	Pounds
France -----	598, 644
Italy -----	147, 895
Japan -----	247, 856
England -----	661
Germany -----	2, 646
Canada -----	6, 525
Total -----	1, 004, 227

Tabulated on a year-by-year basis, PCB imports have been as follows:

Year:	Pounds
1972 -----	281, 275
1973 -----	311, 662
1974 -----	184, 811
1975 (8 months) -----	226, 479
Total -----	1, 004, 227

(4) The principal uses of PCBs that EPA has been able to identify are as follows: dielectric fluids for transformers, capacitors, and radio frequency interference filters; fluids for electromagnets; heat transfer fluids; hydraulic oil; and plasticizers for waxes and adhesives.

(5) (a) With respect to PCBs manufactured in this country, enclosed is the list provided to EPA by the Monsanto Company of Monsanto's PCB customers.

(b) As indicated in (2) above, the list of importers provided to EPA by the Bureau of Customs is considered to be confidential or privileged commercial information. These importers include three companies which use PCBs as heat

transfer fluids and for research and testing purposes; three companies import PCBs for distribution to other companies; and one company imports PCBs for use in mining equipment.

(c) In response to EPA's letters to Monsanto's customers and to importers, EPA has received lists of these companies' own customers (who purchase PCBs either in their chemical state or as incorporated into their products), reclaimers, or disposers. This information is quite detailed, with the lists of customers in some cases numbering into the hundreds. As indicated above, the processing of this information by EPA personnel has not been completed.

(6) EPA has no evidence that the Monsanto Company has violated its voluntary agreement to restrict sales to customers involved in the manufacture of closed electrical systems. On the other hand, there are indications that several of Monsanto's customers are using PCBs for other purposes, such as heat transfer fluids and vacuum pump seal oil in their own manufacturing operations. In addition, evidence suggests that importers are also distributing PCBs for uses other than in closed electrical systems.

(7) (a) While only five spills had previously been reported to EPA Headquarters since 1972, information concerning approximately 15 others has been provided in responses to EPA's recent letters.

(b) In general, disposal of PCBs is primarily as waste in landfills and to a lesser extent by incineration. In addition, responses to EPA's recent inquiries indicate that PCBs are also "disposed of" by the original users through processors who reclaim PCBs for further use ("reclaimers") and oil companies.

(8) Of 106 finished water samples from interstate carrier systems examined by EPA for chlorinated hydrocarbons over the past 18 months, two samples contained PCBs. The finished water of Winnebago, Illinois, contained 3.0 ug/l of Aroclor 1242 and that of Sellersburg, Indiana, contained 0.1 ug/l of Aroclor 1260. Recent responses to EPA's letters have indicated possible contamination of several other drinking water supplies, as well. Three identified to date are Escondido, California (0.4 ug/l), New Bedford, Massachusetts (2.5 ug/l), and Bridgeport, Connecticut (1 ug/l).

(9) The enclosed statement presented at recent hearings held by the Wisconsin Department of Natural Resources details EPA's assessment of the health and environmental hazards associated with the manufacture, use, distribution, and disposal of PCBs. This statement includes a summary of recent health and ecological findings.

With respect to the PCB problem, the pending Toxic Substances Control Act would provide EPA with the critical authority to regulate the manufacture and import of PCBs. Your efforts to promote passage of that legislation are greatly appreciated.

Thank you for your interest in this important matter. You can be assured that EPA is using its statutory authority to take prompt action to identify and control the discharges of PCBs into our environment.

Sincerely yours,

STANLEY W. LEGRO,
Assistant Administrator for Enforcement.

Enclosures.

Dr. BUCKLEY. Also, I am submitting for the record a recent detailed statement by Mr. Schweitzer¹ setting forth the history of the PCB problem, the past efforts of Government and industry to address PCB's, and current EPA activities directed at reducing the problem.

In this statement I plan to highlight very briefly some of our current concerns, and of course we will be pleased to elaborate in detail on those aspects of particular interests to the subcommittee.

We have known for some time that PCB's are a group of chemicals which at certain levels can cause serious toxic effects on man and can adversely affect our ecological resources. During the past several years we have increased our understanding of the extent and nature of the human health threat of PCB's and the extent of the potential adverse effect on fish reproduction of very low levels of PCB's.

¹ See p. 77.